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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

1

Application Number	09/462,682
Filing Date	April 28, 2000
First Named Inventor	FitzGerald, David J.
Group Art Unit	1645
Examiner Name	Portner, Virginia

Attorney Docket Number

015280310100

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP	Reg No. 31,677
Signature		
Date	September 28, 2001	

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On Sept. 28, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: J. Dallara

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FITZGERALD, David J.

Application No.: 09/462,682

Filed: April 28, 2000

For: PSEUDOMONAS EXOTOXIN A-  
LIKE CHIMERIC IMMUNOGENS

Examiner: Portner, Virginia

Art Unit: 1645

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Madam:

In response to the office action mailed August 6, 2001, requesting restriction under 35 U.S.C. 121 and 372, Applicant elects Group I. Applicant further elects the species wherein the cell recognition domain is the PE domain and the non-native epitope comprises a cysteine-cysteine loop that comprises the non-native epitope. The following claims read on the elected species: 1-4, 7-18, and 24-38.

The Examiner suggests in paragraph 2, that each species lacks unity with other species. Applicant disagrees that all species are distinct from each other. For example, a common structure in many species is the non-native epitope domain, wherein a non-native epitope is located between two cysteine residues resulting in a loop structure of the non-native epitope within the chimeric immunogen. The following species share

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the cysteine-cysteine loop as a common structural feature: the cysteine-cysteine loop, SEQ ID NO 3, SEQ ID NO 4, V3 loop of gp120 of HIV-1, V3 loop of gp120 of HIV-1 (>=8a.a.), V3 domain of HIV-1, ntPE-V3MN14, and ntPE-V3MN26. In addition, the species share other common structural features such as the translocation domain and the endoplasmic reticulum retention domain.

Applicant requests an interview with the Examiner, after allowable subject matter is identified, to discuss an appropriate scope of the claims.

Respectfully submitted,



Kenneth A. Weber  
Reg. No. 31,677

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